

Town of Perry
Minutes of Public Hearing

January 2, 2001

The Land Use Committee conducted a Public Hearing on Tuesday, January 2, 2001.

1. Call to order. Mick Klein-Kennedy, Chairman of the Land Use Committee, called the Public Hearing to order at 8:03 PM. Attendance: Land Use Committee members Don Kellesvig, Milo Grundahl, Steve Ashman, and Dean Vogel; Town Clerk Mary L. Price; Town Board members Pat Downing, Dan Keller, Larry Price; Town residents and landowners Craig and Linda Bluschke, Richard Keller, Ed Sutter, Roger and Michele Kittleson, Gerard Keller, Gary Boley, Duane Iverson, David Gehl, Don Mueller, Fred Smith, Rebecca Rehl, Carl Fredericks, and

2. Develop revisions to the Town's Building Ordinance Section 1.07. Mick Klein-Kennedy reported the Land Use Committee's discussions and the Committee's recommendation that Section 1.07 of the Town's Building Ordinance be deleted.

current Ordinance:

Building Ordinance 1.07 – Exemptions

(1) Ag Accessory Building. Building Permits for ag accessory buildings do not require a Site Plan Approval or any of the other supporting documents listed in sec. 1.05(5) of this Ordinance.

(2) Additions or Additional stories. Building Permits for additions or additional stories do not require a Site Plan Approval or any of the other supporting documents listed in sec. 1.05(5) of this Ordinance.

(3) Non-ag Accessory Building. Building Permits for non-ag accessory buildings do not require a Site Plan Approval or any of the other supporting documents listed in sec. 1.05(5) of this Ordinance.

Mick Klein-Kennedy asked attendees for their comments and questions.

Fred Smith asked if this change was precipitated by David Gehl's building permit application. Mick Klein-Kennedy explained that due to the changing number of residents and the new residents' planned use of their land, the Committee felt Site Views were needed for all types of buildings.

Fred Smith suggested that the Land Use Committee should preserve agricultural use of land wherever possible.

Mick Klein-Kennedy explained that by eliminating the Exemptions in the Building Ordinance, all buildings would be subject to consistent standards.

Dan Keller said that the farmer knows which site on his farm is the best site for new farm buildings, and siting should not be mandated by the Land Use Committee.

David Gehl said that these changes will become Zoning Ordinances in effect. He suggested that the County permit requirements should be checked. He said that the Town should not dictate where farmers place their ag. buildings.

Mick Klein-Kennedy explained that the Land Use Committee will not determine where a new ag building will be sited.

Pat Downing said that the WI Supreme Court ruled when reviewing the WI "Right to Farm" law that local governments are encouraged to exercise their Zoning powers.

Mick Klein-Kennedy said that agricultural operations have changed in the Town, and these changes to the Ordinance will determine if any conflict between neighbors exist when buildings are sited.

David Gehl said that if the land is zoned A-1 then any site should be approved.

Michele Kittleson said that the Applications Guide which states the fees charged for permits can be changed by the Town Board without a Public Hearing.

Linda Blushke supported the change which would include Neighbor Notification.

Mick Klein-Kennedy said that Land Use Committee Site Views will be helpful to determine impact to neighbors.

Dan Keller questioned the expertise of the Land Use Committee to determine siting and impact to neighbors.

Mick Klein-Kennedy said that the County requires legal setback for all buildings.

David Gehl said he is willing to meet with the church group that owns adjoining land to discuss the site of his new building.

Roger Kittleson does not support changing the Ordinance.

Linda Blushke supports the change and said that the Town must prepare for change in Town's new residents who will be building expensive new houses which could be devalued if new ag buildings are sited too close to new houses.

Mick Klein-Kennedy said the change is a small effort by the Town to promote neighbor cooperation.

Don Mueller asked what criteria will be used to determine siting.

Larry Price said that the Town is changing from ag to non-ag residents.

Gary Boley said that he favors both proposals (Building & Driveway Ordinance changes) since they protect owners if building permits are approved and also protects potential buyers. He said that it is appropriate for the Town to review new field roads so all residents are protected.

Larry Price suggested that the Land Use Committee should consider the following changes in their recommendations:

- Building Ordinance 1.05(6) – delete “one person to another” – The Building Permit is transferable.

- Building Ordinance 1.05(5)(b) – delete “(see exemptions in sec. 1.07 of this Ordinance).”

- Driveway Ordinance several sections – add safety and slope requirements from adjoining road.

Dean Vogel said that he supports deleting Exemptions since new residents might not be considerate to neighbors when planning. The township is changing.

Dan Keller questioned why other residents would be allowed to influence where an ag building is sited.

Steve Ashman said that the farmer does not choose the buyer and the buyer might not be responsible neighbors.

Roger Kittleson asked the Land Use Committee and Town Board members to state their opinions about the proposed changes. He also asked that a Straw Poll be taken to determine support.

David Gehl said that the Land Use Committee is trying to take farmers’ rights away. He said that the Land Use Committee will use its discretionary power to determine sites.

Dean Vogel explained that the Site Plan approval process will be applied to the Land Use Plan, not personal discretion of the Land Use Committee members.

Mick Klein-Kennedy explained the Land Use Plan revision schedule – annual changes and full review every five (5) years. He said these changes will create a “level playing field for all residents”; he said good farmers will not create problems for neighbors or the Town; non-productive siting might negatively impact neighbors.

Richard Keller said owners don't like to be told where to site buildings.

Mick Klein-Kennedy asked the Land Use Committee members to state their opinions:

Don Kellesvig clarified that field road approvals should be reviewed only where field road adjoins a Town road.

Milo Grundahl – no comment at this time.

Steve Ashman – supports review of ingress and egress only for field roads.

Larry Price supports changes to the Ordinances.

Mick Klein-Kennedy stated the proposed changes:

Building Ordinance 1.05 (5)(b)

current ordinance –

Site Plan Approval (see exemptions in sec. 1.07 of this Ordinance).

proposed ordinance –

Site Plan Approval

Building Ordinance 1.05 (6)

current ordinance –

The Building Permit is not transferable from one person to another or from one place to another.

proposed ordinance –

The Building Permit is not transferable from one place to another.

Building Ordinance 1.07 Exemptions

current ordinance –

(1) Ag Accessory Building. Building Permits for ag accessory buildings do not require a Site Plan Approval or any of the other supporting documents listed in sec. 1.05(5) of this Ordinance.

(2) Additions or Additional stories. Building Permits for additions or additional stories do not require a Site Plan Approval or any of the other supporting documents listed in sec. 1.05(5) of this Ordinance.

(3) Non-ag Accessory Building. Building Permits for non-ag accessory buildings do not require a Site Plan Approval or any of the other supporting documents listed in sec. 1.05(5) of this Ordinance.

proposed ordinance –

Delete Section 1.07 Exemptions

Mick Klein-Kennedy asked the Clerk to conduct a Straw Poll to determine support by the attendees for or against the proposed changes:

Yes – 12

No – 8

3. Develop revisions to the Town's Driveway Ordinances

1.02 – Jurisdiction

1.04 – Definitions

current ordinance:

Driveway Ordinance 1.02 – Jurisdiction – Jurisdiction of these regulations shall include all driveways on land within the Town of Perry.

proposed change: add “and field roads”

current ordinance:

Driveway Ordinance 1.04 – Definitions – A private driveway, road or other avenue of travel that runs through any part of a private parcel of land or that connects or will connect with any public highway, but shall not include any field road lying outside of the right-of-way of a public highway.

proposed change: delete “shall not include any field road lying outside of the right-of-way of a public highway.”

Mick Klein-Kennedy asked attendees to express their opinions regarding the proposed changes.

Larry Price suggested that other additions should be added for safety concerns.

Roger Kittleson said he plans to build a new field road and asked what the new fee will be. (The Town Board will set new fees.)

Ed Sutter asked if the Town approves a field road what would the Town's liability be if someone is injured. (Disclaimer in current Ordinance.)

Mick Klein-Kennedy stated the proposed changes:

current ordinance:

Driveway Ordinance 1.02 Jurisdiction

Jurisdiction of these regulations shall include all driveways on land within the Town of Perry.

proposed ordinance:

Jurisdiction of these regulations shall include all driveways, or field roads within the public right of way (33 feet from the center line), within the Town of Perry.

current ordinance:

Driveway Ordinance 1.04 Application Requirements and Procedures

(1) Who Must Apply. No person or entity shall establish, construct, improve, modify, or rework a driveway that changes the existing topography of the land without first obtaining a Driveway Construction Permit from the Town Board.

proposed ordinance:

(1) Who Must Apply. No person or entity shall establish, construct, improve, modify, or rework a driveway, or field road within the public right of way (33 feet from the highway center line) that changes the existing topography of the land without first obtaining a Driveway Construction Permit from the Town Board.

current ordinance:

Driveway Ordinance 1.04 Application Requirements and Procedures

(6) **Building Permits.** No Building Permit for new residential construction will be issued until the driveway is constructed according to the specifications of this Ordinance. The only exception will be the final application of gravel, which may occur after heavy equipment needed for building activities will no longer be using the driveway.

proposed ordinance:

(6) **Building Permits.** No Building Permit for new residential or non-ag accessory building construction will be issued until the driveway is constructed according to the specifications of this Ordinance. The only exception will be the final application of gravel, which may occur after heavy equipment needed for building activities will no longer be using the driveway.

current ordinance:

Driveway Ordinance 1.06 Specifications for the Construction of Driveways

(4) Juncture with Public Road. A length of driveway of a minimum of 24 feet shall have a maximum of 5% slope at the point where the driveway enters onto a public road. A slight dip across the drive shall be placed

just before the culvert at the entrance to a public road to prevent debris from washing onto the public road.

proposed ordinance:

(4) Juncture with Public Road. A length of driveway of a minimum of 24 feet shall have a maximum of 5% slope at the point where the driveway enters onto a public road must adhere to safe sight distances and must not be within 100 feet of an adjoining highway. A slight dip across the drive shall be placed just before the culvert at the entrance to a public road to prevent debris from washing onto the public road.

Mick Klein-Kennedy asked the Clerk to conduct a Straw Poll to determine support for the proposed changes:

Yes – 11

No – 9

4. Develop revisions to the Town's Land Use Plan, Section 6, Evaluation Criteria For Site Approval – Dwellings, Non-Farm Accessory Buildings, and Other Non-Farm Development.

proposed change: add Farm Accessory Building

Mick Klein-Kennedy explained that the proposed change adds farm accessory buildings to the title of this section of the Land Use Plan. He asked attendees for further comments. Since no further comments were offered and since the Straw Poll showed support for the Building Ordinance changes, this change is recommended.

5. Discuss the formation of an Open Space Plan committee and recruit volunteers to serve on this committee.

Mick Klein-Kennedy explained the need for an Open Space Plan so the Town will be eligible for state and federal grants, and to prepare for changes in the Town.

Dan Keller asked if an Open Space Plan is mandated by the state and do other Towns in the County have Open Space Plans.

Mick Klein-Kennedy explained that an Open Space Plan is not mandated by the state. An Open Space Plan sets the goals for the Town for future recreational and other uses for land in the Town. The Land Use Plan does not fulfill that function.

Ed Sutter said that Smart Growth could coincide with an Open Space Plan.

Mick Klein-Kennedy asked for volunteers to serve on an Open Space Plan committee.

Volunteers:

Craig Bluschke
Don Mueller
Gary Boley
David Gehl
Linda Bluschke

6. Any other business properly presented. No further business was presented.

7. Adjourn. Steve Ashman moved and Don Kellesvig seconded a motion to adjourn. The Public Hearing was adjourned at 11:00 PM.

Respectfully submitted,

Mary L. Price, Clerk